

IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

2008 AUG -6 PM 4:28

m. J. Smith
U.S. DISTRICT COURT
SAVANNAH, GA.

JAMES VEREEN,

Movant,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. CV407-169
(CR406-009)

O R D E R

After a de novo review of the record in this case, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed. Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court.

Movant has also filed a Motion for Leave to Amend his 28 U.S.C. § 2255 Motion. (Doc. 13.) Therein, Movant argues that his attorney was ineffective for failing to object to the Court's calculation of his criminal history category. He states that two prior offenses for petty theft should not have been counted because they did not result in a "sentence of imprisonment." However, these prior offenses were added to his criminal history under Sentencing Guideline § 4A1.1(c), which does not require a sentence of imprisonment. See Sentencing Guideline

§ 4A1.2(a). Therefore, his attorney was not ineffective for not objecting on this ground. Accordingly, the Motion to Amend is **DENIED**.

The Clerk of Court is **DIRECTED** to **CLOSE** this case.

SO ORDERED this 6th day of August, 2008.



WILLIAM T. MOORE, JR., CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA